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IN THE

# Supreme Court of the United States

October Term, 1954
No. 508

SOUTHERN BAKERS ASSOCIATION, INC., and
ATLANTA BAKING COMPANY, INC.,
*Appellants,*

—v.—

UNITED STATES OF AMERICA and INTERSTATE
COMMERCE COMMISSION,
*Appellees.*

APPEAL FROM THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA

## PETITION FOR REHEARING ON BEHALF OF APPELLANTS

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*Of Counsel.*

Dated: March 10, 1955.

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Appellants come now, within the time provided by Rule 58 of the Supreme Court Rules, and move that this Court grant a rehearing in the above-styled case, and upon such rehearing vacate the order rendered February 14, 1955 and enter an order noting probable jurisdiction and setting this case down for argument upon the merits.

### Preliminary Statement

After the filing of appellants' Statement as to Jurisdiction, appellees filed a "Suggestion of Mootness" which appellants treated as a motion to dismiss under Rule 16(1) of the rules of this Court. Appellants therefore prepared

for filing a brief in opposition pursuant to Rule 16(3) but found when that brief was duly presented for filing on February 15, 1955 that this Court, on February 14, 1955, had entered its order dismissing the petition for review upon the ground that the case was moot.

Appellants' Brief in Opposition to Motion to Dismiss Appeal, bearing the date of February 14, 1955, is attached hereto and made a part hereof.

**Grounds for This Petition for Rehearing**

This petition for rehearing is based upon the following grounds:

a. The Court's order of February 14, 1955 overlooks many decisions of this and other courts which establish that this case is not moot;

b. The Court's aforesaid order misconstrues the decision of the United States District Court for the District of Kansas; and

c. The aforesaid order may be based upon statements of appellees which were not entirely correct.

The aforesaid grounds are developed in the attached Brief of Appellants in Opposition to Motion to Dismiss Appeal to which the Court is respectfully referred.

**Certificate of Counsel**

Counsel for appellants hereby certifies that this petition for rehearing is presented in good faith and not for delay.

## CONCLUSION

It is respectfully submitted for the reasons set out herein, in the attached Brief of Appellants in Opposition to Motion to Dismiss Appeal, and in appellants' Statement as to Jurisdiction, pages 8-11, that the case is not "moot" and should be decided by this Court. Appellants therefore urge this Court to vacate its order of February 14, 1955, to note probable jurisdiction and to set this case down for argument.

Respectfully submitted,

/s/ HAROLD L. RUSSELL,
of Atlanta, Georgia,
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Dated: Atlanta, Georgia,
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